



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 04514-99
23 November 1999

MR. [REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 16 September 1999, a copy of which is attached. The Board also considered your letter dated 26 October 1999 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board agreed with the advisory opinion in finding your request to remove your failures of selection to lieutenant commander and grant you a special selection board should be denied. Since the Board found insufficient basis to remove your failures of selection, they had no grounds to set aside your discharge from the Naval Reserve on 30 September 1999. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

4514-99

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

4514-99

5420
PERS-86
16 Sep 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LIEUTENANT [REDACTED], SC, USNR, [REDACTED]

Ref: (a) Title 10, United States Code, Section 14502
(b) BCNR memo PERS-OOZCB of 14 Sep 99

Encl: (1) BCNR File 04514-99 w/Service record

1. Per reference (a) and in response to reference (b), we are returning enclosure (1) with the following observations and recommendation that Lieutenant [REDACTED]'s petition be denied.

2. Lieutenant [REDACTED] failed to select for promotion to Lieutenant Commander on the FY-98 and FY-99 Naval Reserve Staff Corps Promotion Selection Boards. On 8 July 1999, Lieutenant [REDACTED] requested the removal of both failed of selections and a special promotion selection board via a petition through BCNR.

3. Lieutenant [REDACTED] requested that the failure of selections before the FY-98 and FY-99 boards be removed because he was never notified of his failures of selection and because he was in an IRR status. Lieutenant [REDACTED] apparently claims ignorance of his non-selection and his IRR status as his basis for relief. A review of his record reveals that he was properly considered by the cited selection boards and was not selected by either board. The Navy promulgates promotion messages (ALNAV's) in compliance with Title 10, United States Code for every promotion selection board. A Naval Officer exercising due diligence should have been aware of both their eligibility before a promotion board and a subsequent failure (or selection).

4. Lieutenant [REDACTED] request for a special selection board does not meet the eligibility requirements outlined in reference (a). A detailed review of his record was conducted. This review failed to uncover any factual basis for Lieutenant [REDACTED]'s claim for a special board. There is nothing in the record to substantiate a conclusion that an error or oversight might have

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LIEUTENANT [REDACTED], SC, USNR, [REDACTED]

occurred. Without some factual material error or impropriety concerning his record, consideration by a special board is not warranted.

5. Lieutenant [REDACTED] provides a letter of endorsement from Captain Connolly in which he summarizes career accomplishments as evidence of an error by the boards. Accomplishments of an individual officer who is not selected by a promotion board do not provide a basis under law, which would allow the convening of a special selection board. Competition for promotion is always extremely keen and with the impressive composition of the Navy's officer corps, there is always more "best and fully qualified" officers' eligible than the board is authorized to select.

6. Specific reasons for Lieutenant [REDACTED]'s multiple failures of select are not available since board deliberations are confidential in nature and records of deliberations are not kept. It is our opinion that Lieutenant [REDACTED] record was simply not competitive enough when viewed within the numerical constraints placed upon each board.

7. Lieutenant [REDACTED]'s service to his country is laudable and he can be justifiably proud of his contributions; the negative response to his request does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]
[REDACTED]
[REDACTED]
Director, Naval Reserve Officer
Promotion, Appointments and
Enlisted Advancements Division